THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 17175 of 2005

DATED: 21..09..2005.

BETWEEN:

Kandula Krishna Murthy,

S/o. Venkata Raju, aged 50 years,

Resident of Z. Ragampet village,

Gandepalli Mandal,

East Godavari District and 3 others … Petitioners

And

The Commissioner,

Endowments Department,

Boggulagunta, Hyderabad

And two others

…Respondents

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WRIT PETITION NO : 17175 of 2005

ORDER:

Declaring the action of the 3rd respondent in issuing the notice of auction of leasehold rights dated 29-07-2005 in respect of lands cultivated by the petitioners as illegal and arbitrary, the present writ petition has been filed.

Heard the counsel for the petitioners and the learned Government Pleader for the respondents.

Learned counsel for the petitioners contended that there is a standing crop in the lands cultivated by the petitioners in Survey No.75, 435 and 395 to the extent of Ac.14.63 cents situated in
Z. Ragampet village, Gandepally Mandal, East Godavari District, and therefore they have to be continued till the harvest of the crop.

On the other hand, learned Government Pleader for the respondents contended that the petitioners have no right to challenge the auction since their leasehold rights in respect of the lands have been expired. After giving a notice, the Assistant Commissioner handed over the possession of the lands to the 3rd respondent on 02-07-2005 in the presence of elders. It is also stated that there is no valid lease in favour of the petitioners so as to continue them in the lands. It is also stated in the counter-affidavit that there is no standing crop, therefore, the continuation of the petitioners till the harvest of the crop does not arise. Admittedly, the petitioners are not the landless poor persons. Since the possession was already taken by the 3rd respondent no further orders are required in this writ petition.

Hence, the writ petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

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K.C.BHANU, J.

Dated: 21..09..2005.

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